

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MAURICE POINDEXTER,

Plaintiff,

v.

LYNCH, et al.,

Defendants.

No. 2:21-cv-0760 TLN AC P

ORDER

Plaintiff Maurice Poindexter (“Plaintiff”), a state prisoner proceeding pro se, filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On June 16, 2025, the magistrate judge filed findings and recommendations which were served on all parties and which contained notice that any objections to the findings and recommendations were to be filed within twenty-one (21) days. (ECF No. 54.) This deadline has passed, and no objections have been filed.


The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court[.]”). Having reviewed the file, the Court finds the findings and recommendations to be supported by

the record and by the proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations, (ECF No. 54), are ADOPTED in full;
2. Defendants' motion for partial summary judgement, (ECF No. 48), is GRANTED in part and DENIED in part, as follows:
 - a. GRANTED as to Plaintiff's First Amendment retaliation claim against Defendants Moreno, Navarro, and Elizarraras;
 - b. DENIED as to Plaintiff's Eighth Amendment excessive force claims against Defendants Moreno and Nguyen; and
 - c. DENIED as to Plaintiff's Eighth Amendment failure to protect claim against Nguyen.
 - d. The case proceeds on Plaintiff's Eighth Amendment excessive force and failure to protect claims against defendants Assaad, Elizarraras, Moreno, Navarro, and Nguyen.
3. This matter is referred back to the assigned magistrate judge for further proceedings.

Date: August 27, 2025



TROY L. NUNLEY
CHIEF UNITED STATES DISTRICT JUDGE